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CORBO, NICHOLAS T				
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2427				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/591,077

Applicant(s)

EMOTO ET AL.

Examiner

NICHOLAS T. CORBO

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pgs. 7-8, filed 03/17/2009, with respect to the rejection(s) of claim(s) 1-3 under 35 USC 102(b) have been fully considered and are persuasive. The addition of line breaks and proper punctuation to the amended claims help clarify to the Examiner the image control signal to not be a general component of the video information distribution and display system as a whole, but more accurately to be a component of the video information distribution device that is output to the video information receiving and display device. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Oki et al in view of Bishop et al.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant recites in claims 10 and 11, "in a case where video information not included in the schedule data is displayed while being interrupted..." Applicant has created an impossible situation wherein the video information that is not included in the schedule data and therefore not being displayed according to the schedule data. According to Applicant's specification in Paragraphs 00300-0032, the video information that is not included in the schedule data is video information that is inserted after the interrupt control signal has occurred. Therefore, there is no possibility of that video information to be displayed "while being interrupted".

4. Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant recites in claims 10 and 11, "in a case where video information not included in the schedule data is displayed while being interrupted..." The Applicant's Specification defines the event interruption and corresponding actions taken by the schedule management part in Paragraphs 0030-0032. The Examiner cannot find in the Specification where there is a situation wherein the video information that is not originally included in the scheduled data (seen in Fig. 7, #201) "is displayed while being interrupted."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art Oki et al (hereinafter referred to as Oki) JP 2002209193A in view of Bishop et al (hereinafter referred to as Bishop) US 4910683.

Referring to claim 1, Oki discloses a video information distribution and display system comprising:

a video information distribution device that distributes and outputs video information including dynamic image video information and processed digital static image video information, and an image control signal (**see Paragraph 0012 for disclosing a video information distribution device distributing animation/dynamic image video information and processed/compressed (see Paragraph 0025 for disclosing the still pictures are transmitted after carrying out data compression) digital static image/still picture video information, and see Paragraph 0016 and 0032 for disclosing the image control signal)** for disclosing ; and

a video information receiving and display device that receives and displays the video information (**see Paragraphs 0012-0015 for disclosing the train loading/receiving video information distribution display system**), wherein

Oki is unclear as to the display device restores in advance a state before processing of processed digital static image video information of a next static image to be displayed, in accordance with an instruction of the image control signal, and stands by for the next display.

Bishop discloses a display device restores in advance a state before processing of processed digital static image video information of a next static image to be displayed, in accordance with an instruction of the image control signal, and stands by for the next display **(see Col. 5, Line 6-29 for disclosing the next image to be displayed is restored/rendered into the display buffer that is not being displayed/standing by for next display in accordance with an instruction of a image control signal).**

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to incorporate the known technique of double buffering images of Bishop with the system of Oki in order to improve the displaying of images by avoiding the need to recalculate and redisplay all points comprising the displayed image any time a change of the relative viewpoint of the data is request by a user **(see Bishop, Col. 1, Lines 13-36).**

Referring to claim 2, Oki discloses the dynamic image video information is transmitted via a first transmission line and the processed digital static image video information is transmitted via a second transmission **(see Paragraph 0012).**

Referring to claim 4, Oki in view of Bishop discloses the video information distribution and display system as seen in the rejection of claim 1.

Bishop further comprises first and second storage (buffer) areas, wherein static image data of each image to be displayed is restored and stored in a sequential alternative fashion in one of the first storage area or the second storage area **(see Fig. 1 and Col. 5, Line 6-29 for disclosing the first (A) and second (B) storage areas/display buffers attached to the display system 30 wherein the still images are restored/rendered and stored into the display buffers in a sequential alternative fashion/double buffering technique between each buffer).**

Referring to claim 5, Oki in view of Bishop discloses the video information distribution and display system as seen in the rejection of claim 1.

Bishop further discloses the display device further comprises the sequential alternative fashion that determines an order of storage in one of the first storage area or the second storage area is determined from content designation information contained in the image control signal **(see Col. 5, Lines 22-29 for disclosing the image control signal determines the sequential alternating selection of the display buffers for display, and consequently storage).**

Referring to claim 6, Oki discloses the video information distribution and display system further comprises the processed digital static image video information includes information for displaying a greater image resolution than the dynamic image video

information (see Paragraphs 0025-0027 for disclosing the still image are capable of displaying at a greater image resolution than the moving/dynamic image video information).

Referring to claim 7, Oki discloses the video information distribution and display system wherein the video information distribution device comprises generating the image control signal to control a display time of the plural video information (see the rejection of claim 1 further noting that Paragraph 0037 indicates that the control signal indicates the display time/when (instantaneously) the video information (which includes still images) are to be read from storage for display of the contents).

Bishop discloses a schedule management section generating the image control signal on the basis of schedule data in which a display order and a display time of the plural video information are specified (see Col. 5, Lines 6-29 for disclosing the generating of a control signal on the basis of schedule data in which a “display order and a display time” (or indication of which buffer to display from (order) immediately and consequently, the other buffer being next (time)) of the plural video information are specified).

Referring to claim 8, Oki in view of Bishop discloses the video information distribution and display system including the video information receiving and display device as seen in the rejection of claim 1.

Bishop further discloses the display device comprises two storage areas for storing the static image to be displayed, and the static image to be displayed the next time is previously stored to any one of the storage areas (**see Fig. 1 and Col. 5, Line 6-29 for disclosing the first (A) and second (B) storage areas/display buffers attached to the display system 30 wherein the still images are restored/rendered and stored into the display buffers in a sequential alternative fashion/double buffering technique between each buffer**).

Referring to claim 9, Oki in view of Bishop discloses the video information distribution and display system as seen in the rejection of claim 1.

Bishop further discloses wherein a display time of each segment of the video information is a time longer than a time for the segment to be stored to one of the storage areas by returning the segment to a state before the processed digital static image video information is processed in the video information receiving and display device (**see Col. 5, Line 61 – Col. 6, Line 3**).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art Oki et al (hereinafter referred to as Oki) JP 2002209193A in view of Bishop et al (hereinafter referred to as Bishop) US 4910683, and further in view of Potrebic et al (hereinafter referred to as Potrebic) US 6804824.

Referring to claim 3, Oki in view of Bishop discloses the limitations of claim 1 including the video information distribution device, the processed digital static image video information, the dynamic image video information, and the distribution and output of the information, and the video information receiving and display device.

Oki in view of Bishop fails to disclose the video information distribution device multiplexes the processed digital static image video information to the dynamic image video information, and the video information receiving and display device demultiplexes the processed digital static image video information from the multiplexed dynamic image video information.

Potrebic et al discloses the video information distribution device multiplexes the processed digital static image video information to the dynamic image video information (see Col. 1, Lines 29-33 for disclosing all digital programming including both types of video information being multiplexed together by the provider/distribution device), and the video information receiving and display device demultiplexes the processed digital static image video information from the multiplexed dynamic image video information (see Col. 1, Lines 33-36 and Col. 7, Lines 50-63 for disclosing the multiplexed data is identifiably packetized so that when demultiplexed at the client set top box/receiving and display device they are separated from the other data that they were multiplexed with at the provider).

At the time of the invention, it would have been obvious to use the known technique of multiplexing and demultiplexing before transmission of various types of data over a single transmission line of a network of Potrebic with the known system of

Oki in view of Bishop in order to take advantage of the well known technique to predictably improve the system by reducing the number of transmission paths needed to deliver the data to each receiver.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS CORBO whose telephone number is (571)270-5675. The examiner can normally be reached on Monday through Friday 900am-530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571)272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2427

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427